Application Serial No.: 10/666,831

Art Unit: 3761

**REMARKS** 

Claims 1 and 3-17 are pending in the present application. Claims 1 and 10 are

independent claims. The claims presently appearing in the application are identical to those

presented in the amendment filed March 15, 2006.

Applicants appreciate the courtesies extended to Applicant's representative during

the personal interview held on August 1, 2006. The present response summarizes the

understandings reached and substance of the interview. Arguments were advanced that the

Seneca reference (5,219,340) was neither anticipatory of the claimed invention nor capable

of being combined with other references to render the claimed invention obvious to one of

ordinary skill in the art. The Examiner indicated that she would reconsider the final

rejection and conduct a further search.

In the Office Action dated May 25, 2006, the Examiner finally rejected Claims 1 and

4-9 under 35 U.S.C. § 102(b) as being anticipated by Seneca (US 5,219,340). Claim 3

stands finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Seneca (US

5,219,340) in view of Raducu (US DE 04301010). Claims 10-17 stand finally rejected

under 35 U.S.C. § 103(a) as being unpatentable over Seneca (US 5,219,340) in view of

Moretz et al. (US 5,392,467), or further in view of Raducu (US DE 04301010).

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Applicants will reiterate the arguments herein that were advanced at the aforementioned interview to illustrate the manner in which the presently claimed invention

is patentably distinguishable from the applied and cited prior art. Reconsideration of the

present application is respectfully requested.

Applicants' claimed invention claimed is directed to a powder-dispensing pouch

consisting of a porous envelope sealed at it edge and retaining a powder therein whereby the

powder is dispersed through the porous envelope and into the user's groin area when the

user is wearing a pair of underwear with the powder dispensing pouch inserted in the fly

pocket of the underwear. Independent claim 1 is directed to the powder-dispensing pouch

per se and independent claim 10 is directed to the combination of underwear and the

powder-dispensing pouch.

In the final rejection the Examiner stated that the Seneca device discloses a sealed

porous envelope containing powdered oatmeal "...such that the powder is dispersed

through... (the porous envelope)..." However, Seneca realistically discloses an applicator

for applying a colloidal oatmeal solution to the skin; wherein the applicator is immersed in

warm water, the water passing into the pouch and contacting with the oatmeal to create a

colloidal oatmeal solution that passes through the envelope and onto the user's skin.

Seneca's porous envelope allows the water/colloidal oatmeal solution to pass therethrough

but not so porous so as to allow the ground oatmeal particles to pass therethrough

(column 4, lines 46-50). This disclosure is the antithesis of Applicant's claimed invention.

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Applicant's porous envelope is made from a porous material of sufficient porosity to

dispense or disperse the powder therethrough.. It is well settled that a claim is anticipated

only if each and every element as set forth in the claim is found in a single prior art

reference (MPEP Section 2131). It is clear that the Seneca reference is not anticipatory of

Applicants' invention as defined in Claim 1. Withdrawal of the anticipation rejection of

Claims 1 and 4-9 is respectfully requested.

The German patent to Raducu was relied upon by the Examiner in rejecting

dependent Claim 3. However, this secondary reference fails to overcome or supply that

which is lacking in the basic reference to Seneca as noted above.

With regard to the obviousness rejection of Claims 10-17, Applicants submit that

the secondary references to Moretz et al (5,392,467) and Raducu (US DE 04301010),

taken separately or in combination, fail to supplement the above noted deficiencies of the

primary reference. Seneca does not disperse or dispense a powder but, rather, dispenses a

wet colloidal oatmeal solution. The Moretz et al reference merely discloses underwear

incorporating a moisture transport insert made of wicking fibers. The Raducu reference

was relied upon by the Examiner to merely show a granulated mixture packed in small

linen bags used for body care. Thus, one of ordinary skill in the art without the benefit of

Applicants' own disclosure would not be capable of arriving at the presently claimed

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invention by combining these references in the manner suggested by the Examiner. For

at least these reasons, Applicants respectfully submit that independent Claim 10 and

corresponding dependent Claims 11-17 are allowable over the prior art of record.

Applicants respectfully submit that the proposed response properly addresses the

issues raised in the outstanding Final Rejection and represents a bona fide effort to

satisfactorily conclude the prosecution of this application. In the event that the

application is not allowed, it is requested that this response entered for purposes of

appeal.

For the foregoing reasons, Applicant respectfully submits that the present

application is in condition for allowance. If such is not the case, the Examiner is requested

to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of

this application.

Respectfully submitted,

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